



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 10

1200 Sixth Avenue, Suite 900
Seattle, Washington 98101-3140

OCT 13 2016

OFFICE OF
COMPLIANCE AND ENFORCEMENT

Reply to: OCE-101

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Notice of Violation

Mr. Edgar McCall
Owner, McCall Oil and Chemical Corporation
5480 Northwest Front Avenue
Portland, Oregon 97210

Re: McCall Oil and Chemical Corporation Groundwater Remediation Facility
NPDES Permit Number IDG911005

Dear Mr. McCall:

On August 4, 2014, the U.S. Environmental Protection Agency (EPA) issued a Groundwater Remediation General (GWGP) permit for facilities operating in the State of Idaho to McCall Oil and Chemical Corporation ("Operator") for its groundwater remediation facility ("Facility"), NPDES Permit Number IDG911005 ("Permit"). The Permit became effective on October 1, 2014, and will expire on September 30, 2019. The purpose of this letter is to notify you of violations EPA discovered upon review of administrative files, including the Discharge Monitoring Reports (DMRs) submitted by the Facility, and in response to the inspection of the Facility conducted by EPA on May 6, 2016. The purpose of the inspection was to determine the Facility's compliance with the requirements of the Clean Water Act (CWA) and the NPDES Permit. I would like to express my appreciation for your staff's time and cooperation during the inspection.

ADMINISTRATIVE FILE REVIEW

1. EPA reviewed DMRs from July 2011 through August 2016 and did not identify any effluent limitation exceedances that would constitute a violation of the CWA, 33 U.S.C. § 1251 *et seq.*
2. Part IV.D.4.a.i of the Permit states that, when submitting paper DMRs, "All required monitoring data must be submitted using the DMR form (EPA No. 3320-1) or the equivalent and must be postmarked by the 20th day of the month following the end of the reporting period."

Part IV.D.4.b.i of the Permit states that, when using NetDMR, "All required monitoring data must be submitted electronically to EPA no later than the 20th day of the month following the end of the reporting period."

Upon review of administrative files from July 2011 through August 2016, EPA found that the Facility was late in submitting 12 DMRs. A list of these violations is enclosed (Enclosure A). Failure to submit DMRs on time is a violation of Parts IV.D.4.a.i and IV.D.4.b.i of the Permit.

3. Part IV.D.5 of the Permit states, in part, "After the first six (6) months of the effective date of the Permit, the Permittee must submit monitoring data and other reports electronically using NetDMR."

Upon review of administrative records, EPA found that the Facility is not currently submitting its data through NetDMR as required by the Permit. Failure to submit DMRs through NetDMR is a violation of Part IV.D.5 of the Permit.

Upon further review, EPA found that the Facility has not yet requested access to NetDMR, which is necessary in order to submit electronically DMRs and other required documents. To aid the Facility to come into compliance with the NetDMR reporting requirement, I have enclosed a NetDMR fact sheet with this letter (Enclosure B).

4. Part III.A of the Permit states, "Any Permittee covered under this GWGP must develop a Quality Assurance Plan (QAP) that guides the water quality monitoring required by this Permit. The QAP must be developed by new dischargers and submitted to EPA and IDEQ with the NOI. Existing Permittees must submit written notice to EPA and IDEQ within 60 days of the effective date of this General Permit that the QAP has been revised if necessary, and the revised plan has been implemented. Any existing QAPs may be modified for compliance with this section."

Upon review of administrative files from July 2011 through August 2016, EPA found that the Facility was late in submitting the Quality Assurance Report. The report was due by December 1, 2014 but EPA did not receive it until January 1, 2015. Failure to submit the Quality Assurance Report within 60 days of the effective date of the Permit is a violation of Part III.A of the Permit.

5. Part III.B.3 of the Permit states, "Existing Permittees under this GWGP without an existing BMP Plan must develop a BMP Plan and certify to EPA and IDEQ in writing, in accordance with Part VI.G, the development and implementation of the BMP Plan within 180 days of the effective date of this GWGP."

Upon review of administrative files from July 2011 through August 2016, EPA found that the Facility was late in submitting the written notification attesting the development and implementation of the Facility's Best Management Practices (BMP) plan. The notification was due by April 1, 2015; however, EPA did not receive the notification until May 2, 2015. Failure to submit the BMP plan written notification within 180 days of the effective date of the Permit is a violation of Part III.B.3 of the Permit.

6. Part III.B.9.a of the Permit states, "There must be an annual review by the plant manager and appropriate staff."

Part III.B.9.b of the Permit states, "There must be a certified statement that the above annual review has been completed and that the BMP Plan fulfills the requirements set forth in this Permit. The statement must be certified by the dated signatures of the facility manager. The certified statement must be submitted to EPA on or before March 15th of each year of operation under this Permit.

Upon review of administrative files from July 2011 through August 2016, EPA found that the Facility was late in submitting the 2015 and 2016 Annual BMP Reports. EPA received the 2015 Annual BMP Report on April 15, 2015 and the 2016 Annual BMP Report on April 4, 2016. Failure to submit the BMP reports by March 15th annually are violations of Part III.B.9.b of the Permit.

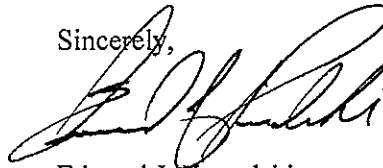
MAY 2016 INSPECTION

At the time of the inspection, the inspector did not note any violations other than those already discussed under "Administrative File Review."

Although our goal is to ensure NPDES facilities comply fully with their permits, the ultimate responsibility rests with the permittee. As such, I want to strongly encourage you to continue your efforts to maintain full knowledge of the Permit requirements, and other appropriate statutes, and to respond appropriately to ensure compliance. Notwithstanding your response to this letter, EPA retains all rights to pursue enforcement actions to address these and any other violations.

I have enclosed a copy of the inspection report (Enclosure C). If you have any questions concerning this matter, please call Raymond Andrews of my staff at (206) 553-4252.

Sincerely,

A handwritten signature in black ink, appearing to read 'E. J. Kowalski', written in a cursive style.

Edward J. Kowalski
Director

Enclosures

cc w/enc: Mr. Tyler Fortunati
Idaho Department of Environmental Quality

Mr. Michael Backe
Principle Hydrogeologist, Olympus Technical Services, Inc.

cc w/o enc: Mr. Aaron Scheff
IDEQ, Boise Regional Administrator

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Enclosure A
Late DMR Submittal Violations

DMR Monitoring Period	DMR Due	DMR Received
October 2014	November 20, 2014	January 20, 2015
November 2014	December 20, 2014	January 20, 2015
January 2015	February 20, 2015	April 24, 2015
February 2015	March 20, 2015	April 24, 2015
May 2015	June 20, 2015	September 28, 2015
June 2015	July 20, 2015	September 28, 2015
July 2015	August 20, 2015	September 28, 2015
October 2015	November 20, 2015	May 04, 2016
November 2015	December 20, 2015	May 04, 2016
December 2015	January 20, 2016	May 04, 2016
January 2016	February 20, 2016	May 04, 2016
February 2016	March 20, 2016	May 04, 2016

Enclosure B
NetDMR Fact Sheet

NetDMR: Electronic NPDES Reporting

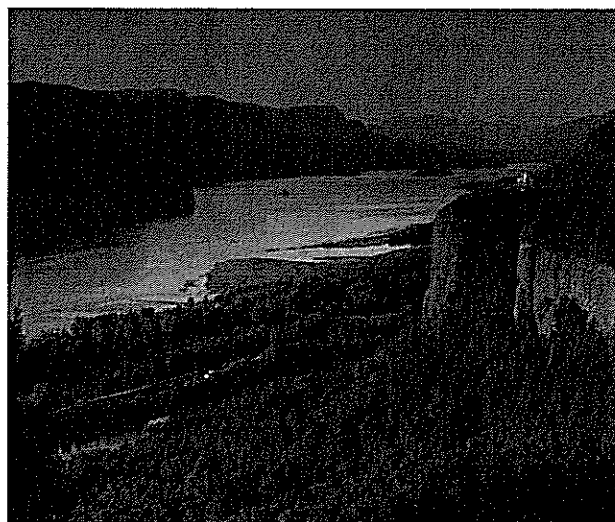


Region 10, Seattle WA

Compliance is Required

November 2015

On October 22, 2015, EPA published the Clean Water Act National Pollutant Discharge Elimination System (NPDES) Electronic Reporting Rule, which requires electronic reporting of NPDES information from permitted facilities. As of December 21, 2015 this rule becomes effective. Permittees with a DMR requirement will have one year from this date to submit DMRs through NetDMR. The final NPDES eRule will save time and resources for permittees, states, tribes, territories, and the U.S. Government while increasing data accuracy, improving compliance, and supporting EPA's goal of providing better protection of the nation's waters.



Columbia River

What is NetDMR?

NetDMR is a web application that can be used to enter and submit data required to meet NPDES permit reporting requirements. The Agency (State, Region, Tribal Nation, or EPA headquarters) that issued and manages your permit can tell you how you can report using NetDMR.

- It creates a signed digital document and eliminates paper data entry. The result is improved data quality and availability, increased consistency of data, and speeds up the DMR process.
- NetDMR was made available to the states on June 22nd, 2009; Region 10 (WA, OR, AK, ID) implementation began on July of 2009. Since that time approximately 100 permittees have enrolled in NetDMR or about 25% of the 400 permittees overseen by the EPA in Region 10 with a DMR requirement.

How Do I Learn More?

To learn more please visit the NetDMR support site <https://netdmr.zendesk.com/home>. Under the Knowledge Base tab at the top of the screen there are user guides and documents to help get you started.

Or contact the Region 10 NetDMR team:

- Region 10 NetDMR Email Address:
- Jason Rodriguez:
- Sharon Eng:

R10NetDMR@epa.gov

206-553-8508 rodriguez.jason@epa.gov

206-553-0705 eng.sharon@epa.gov

Enclosure C
May 16, 2016 Inspection Report

NPDES Inspection Report

Permit # IDG911005

McCall Oil and Chemical Corporation

Nampa, ID

May 16, 2016

Prepared by:

Matt Vojik

**Environmental Protection Agency (EPA), Region 10
Office of Compliance and Enforcement (OCE)
Multimedia Inspection and RCRA Enforcement Unit (MIREU)**

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ATTACHMENT A – Photograph Log

(Unless otherwise noted, all details in this inspection report were obtained from conversations with Michael Backe or from observations during the inspection.)

I. Facility Information

Facility Name: McCall Oil and Chemical Corporation (MOCC)

Facility Owner/Operator: McCall Oil and Chemical Corporation (MOCC)

Physical Address: 1717 E Fargo Ave, Nampa, ID 83687

Lat/Long: 43.601678°, -116.548536°

Mailing Address: 5480 North West Front Avenue, Portland, OR 97210-1116

NAICS Code: 424690 – Other Chemical & Allied Products Merchant Wholesalers
562910 – Remediation Services

Facility Contacts: Edgar (Ted) McCall, Owner
McCall Oil and Chemical Corporation
5480 NW Front Ave, Portland, OR 97210
Phone: (503) 221-5880
Email: Ted@McCallOil.com

Michael Backe, Principal Hydrogeologist
Olympus Technical Services, Inc.
5956 West Victory Road, Boise, ID 83709
Phone: (208) 562-5500
Fax: (208) 562-5503
Email: MBacke@OlyTech.com

Permit Number: IDG911005

Receiving Water: Mason Drain, which flows to the Boise River

II. Inspection Information

Inspection Date: May 16, 2016

Inspectors: Matt Vojik, Inspector
EPA Region 10, OCE / IEMU
Phone: 206-553-0716

Arrival Time: 1:25 PM

Departure Time:	3:50 PM
Weather:	Sunny
Purpose:	Determination whether the facility is in compliance with their National Pollutant Discharge Elimination System (NPDES) permit and the Clean Water Act.

III. Permit Information

This facility is permitted under NPDES permit IDG911005. The permit became effective on September 15, 2014. The expiration date of the permit is September 14, 2019. Prior to the effective date of this permit, the facility was permitted under NPDES permit IDG910005.

IV. Background

The site is owned by McCall Oil and Chemical Corporation (MOCC) and was leased in the 1990's to the Great Western Chemical Company (GWCC). A petroleum hydrocarbon release occurred at the site in 1990 and GWCC entered into a Consent Order with the Idaho Department of Environmental Quality (IDEQ) for cleanup on February 12, 1991. A second halogenated volatile organic (HVO) compound (tetrachloroethene) release was identified in 1999 and GWCC filed for bankruptcy in 2001. MOCC contracts with Olympus Technical Services to manage the remediation activities, which have included the discharge of contaminated groundwater to a City of Nampa storm drain, which flows to Mason Creek and eventually to the Boise River.

The facility's remediation system consists of a network of four groundwater recovery wells designed to pump HVO compound-impacted water to a stacked-tray air-stripping unit for treatment. On August 25, 2014, the IDEQ conditionally approved the termination of the operation of the remediation system. On September 9, 2014, the treatment system was turned off and the facility has not discharged under the current NPDES permit.

The facility was last inspected for compliance with the NPDES permit on July 23, 2013 by the EPA. Since that time, the facility has not recorded any effluent limit violations.

V. Inspection Chronology

This was an announced inspection. On May 12, 2016, I called Mr. Michael Backe (pronounced "Back-ee") and made arrangements to meet on the day of the inspection.

I arrived at the facility at 1:25pm on May 16, 2016. I presented my credentials to Mr. Backe and provided him with an EPA Small Business Resources Information Sheet. I was accompanied throughout the inspection by facility representatives. I was not denied access to the facility.

I began the inspection with a brief opening conference with Mr. Backe in his office. I conducted a records review and took a tour of the facility. We ended with a closing conference to discuss observations and next steps.

VI. Opening Conference

Mr. Backe has worked on this site since 1990 with three different environmental contracting firms. He said that the remediation system was mothballed in the third quarter of 2014 before the effective date of the current permit. The facility continues to monitor two plumes and submits status reports to IDEQ twice annually. Mr. Backe said that IDEQ's next review is scheduled for February 2017, which would be the earliest timeframe that IDEQ could request treatment to resume.

Mr. Backe said that the facility has seen an overall decline in groundwater contamination levels and he does not anticipate restarting the system. He hopes to eventually terminate the NPDES permit and avoid the facility upgrades and operational costs that would be necessary to comply with the enhanced monitoring requirements of the reissued permit.

VII. Site Review

Mr. Backe took me on a tour of the site. A photograph log appears in **Attachment A**. I inspected the remediation system (**Photos 1-2**) and the storm drain (**Photo 3**) that served as the point of discharge. Mr. Backe estimated that a typical discharge occurred at a rate of 5 gallons per minute. The Mason Drain is located approximately 0.5 miles west of the site and the Boise River is located approximately eight miles to the northwest.

I noted that the power supply to the treatment system has been turned off. I also observed cracks in some of the PVC plumbing (**Photo 2**) that would need to be repaired if treatment resumes in the future. Mr. Backe speculated that the cracks were caused by temperature fluctuations that have occurred in the remediation building.

VIII. File Review

I reviewed the following records:

- Discharge Monitoring Reports and associated sampling and analytical records since the beginning of 2014
- Quality Assurance Project Plan dated April 2, 2015
- Best Management Plan dated April 2, 2015
- Status Report dated January 30, 2015
- Status Report dated May 11, 2016

IX. Areas of Concern

I noted the following areas of concern:

A. Late DMRs

Section IV.D.2. of the permit states that “the permittee must submit a monthly DMR even if a discharge has not occurred.”

AND

Section IV.D.4.a.i. of the permit states that “all required monitoring data must be submitted using the DMR form (EPA No. 3320-1) or the equivalent and must be postmarked by the 20th day of the month following the end of the reporting period.”

Since the third quarter of 2014, when the new permit became effective and the facility stopped discharging, Mr. Backe explained that DMRs have been prepared in batches coinciding with the preparation of semi-annual reports submitted to IDEQ. He said that this schedule reduces the amount of paperwork transmitted to the site owner based in Portland, Oregon for signature.

Consequently, since October 2014, most of the DMRs have not been postmarked by the 20th day of the month following the end of the reporting period. At the time of the inspection, the most recent DMRs were received by the EPA on May 4, 2016 for the period from October 2015 through June 2016. Consequently, I also noted that the DMRs for the months of May 2016 and June 2016, were submitted before the end of the reporting period.

X. Closing Conference

I held a closing conference with Mr. Backe. We discussed the areas of concern identified during the inspection and I gave a brief overview of the post-inspection process. I thanked him for his time and assistance.

Report Completion Date:

Lead Inspector Signature:

ATTACHMENT A – Photograph Log

(Photographs were taken by Matt Vojik on May 16, 2016 with a Panasonic DMC-FH25 camera)

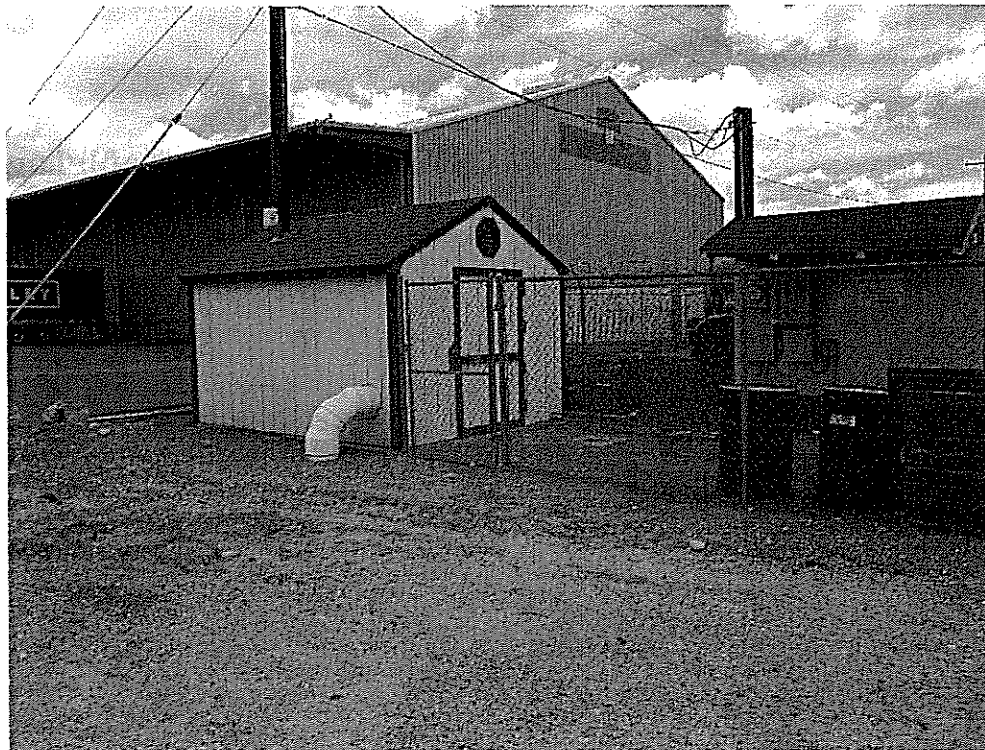


Photo 1 / P1020226 – Southeasterly view of the remediation site

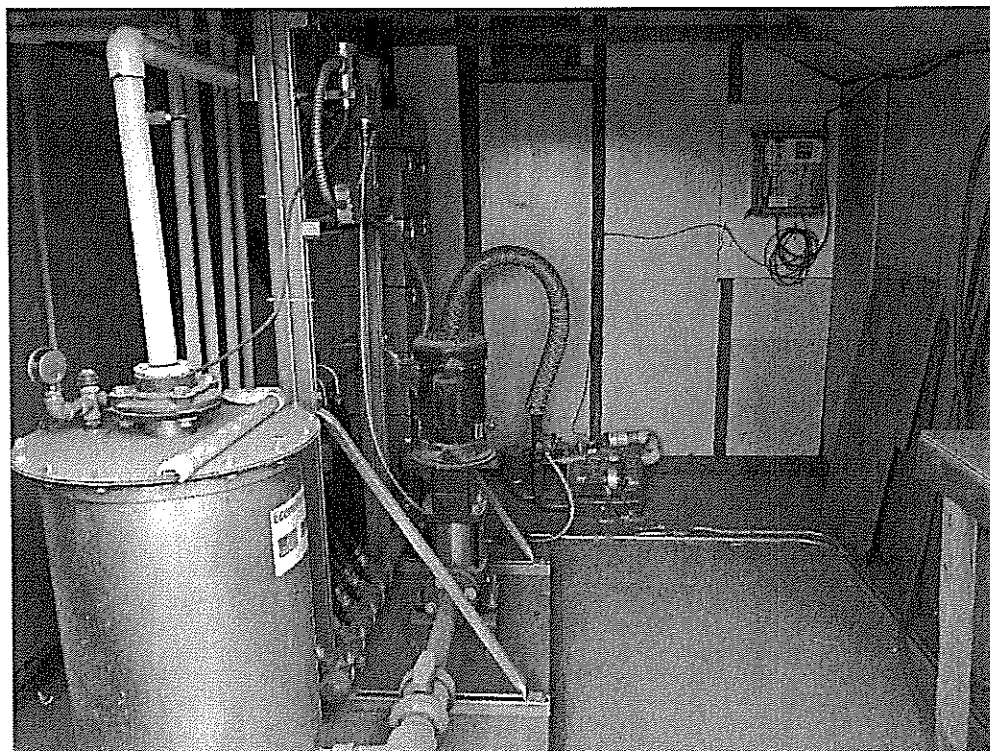


Photo 2 / P1020221 – View inside the treatment building. A piece of cracked PVC plumbing appears on the left.

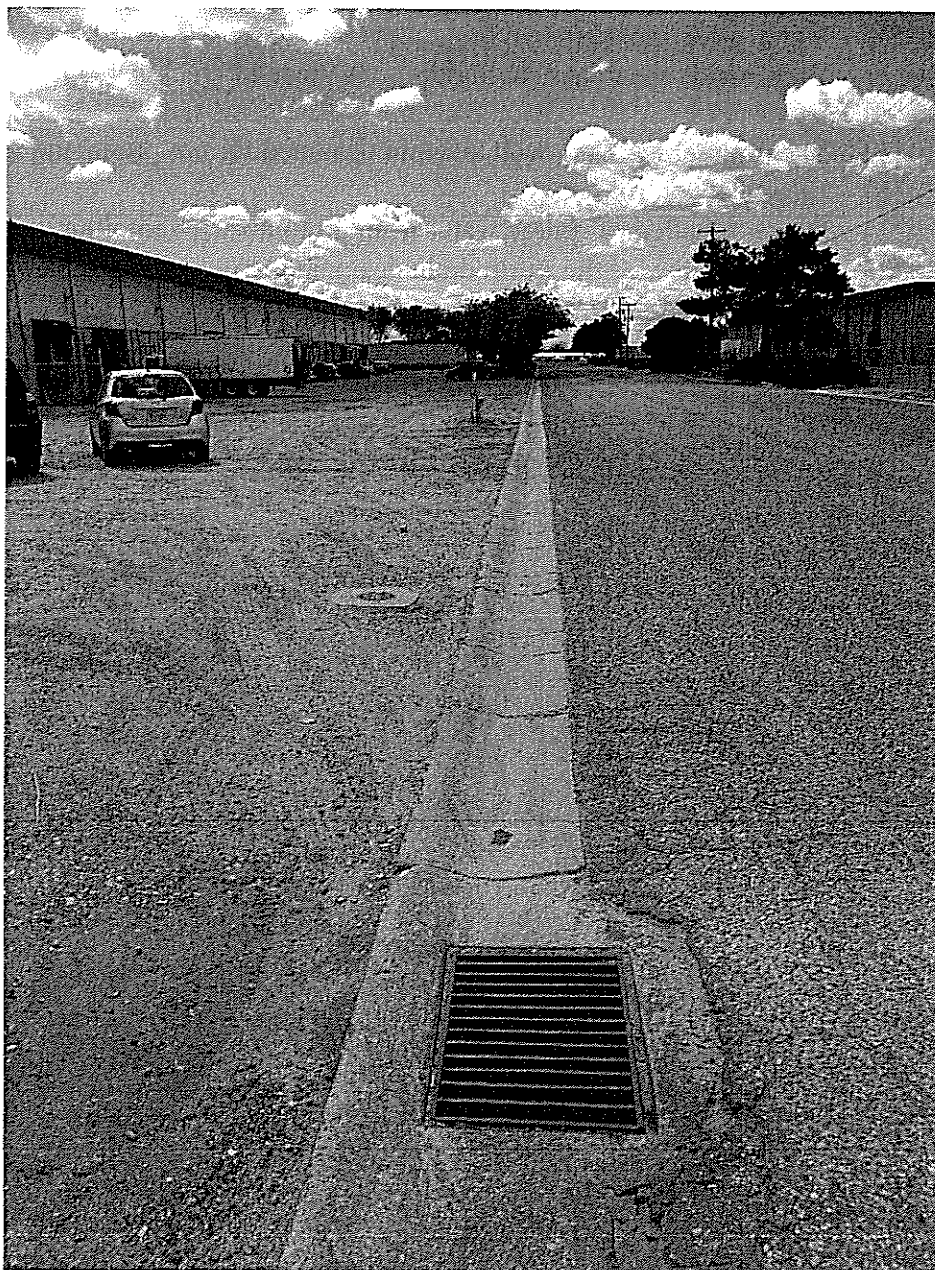


Photo 3 / P1020225 – Westerly view of the storm drain designated to receive discharge from the remediation system

Complete list of photographs taken during the inspection:

- P1020220 – View inside the treatment building
- P1020221 – View inside the treatment building. A piece of crack PVC plumbing appears on the left.
- P1020222 – The original recovery well, decommissioned for not producing enough water
- P1020223 – Electrical control box
- P1020224 – Drums labelled as “purge water from groundwater sampling”
- P1020225 – Westerly view of the storm drain designated to receive discharge from remediation activities
- P1020226 – Southeasterly view of the remediation site

CD of Original Photographs